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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
LUU, MATTHEW

ART UNIT	PAPER NUMBER
3663	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/698,077	WILLS, KENNETH	
	Examiner	Art Unit	
	LUU MATTHEW	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29,30,32,33 and 35-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29, 30, 32, 33 and 35-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20051026

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 29-30 and 38-39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bellesfield et al (6,498,982) in view of DeLorme et al (5,802,492).

Claims 29 and 38.

Bellesfield discloses (Figs. 4, 6 and 10-11) a method that displays a traveling

route between a destination point and a departure point. This method also generates a

list of places on interest, such as hotel, restaurant, attraction, etc. within a

predetermined distance of the traveling route. This method also retrieves information,

comprising:

sending a request identifying at least a first site (a departure point), a second site

(a destination point) and a type of location of interest (the places of interest, such as

hotel, restaurant, attraction, etc.) (Column 2, lines 24-27; column 3, lines 58-62 and

column 6, lines 55-59); and

receiving information associated with the first and second sites (the departure

and destination points) and selected based on the type of location of interest (the places

of interest, such as hotel, restaurant, attraction, etc.)

Bellesfield further shows (Fig. 6) the method that generates a geometric curve

shaped route between the first site (any selected departure points C or A) and the

second site (any selected destination points B or E). See column 7, lines 25-30.

The only difference between the disclosure of Bellesfield and the claimed

invention is that claims 29 and 38 require generating a geometric shape based on the

first site and second site.

However, DeLorme (5,802,492) discloses a Computer Aided Routing and

Positioning System (CARPS) that determines a route along selected waypoints. These

waypoints include a travel origin (first site), a travel destination (second site) and the

intermediate waypoints there between (Abstract).

DeLorme further discloses (Fig. 1N) a DeLorme MAP'N'GO travel plan. This

MAP'N'GO include a point of departure at the bottom (first site) and destination (second

site) at the top of a strip map format (Column 17, lines 34-38). The user can enter the

point of departure and the destination using a menu displayed on a computer screen

(Column 16, lines 39-42). Thus, DeLorme clearly teaches the computer aided routing

system that generates "a geometric shape" (the rectangular shaped map) based on the

first site (departure point) and second site (destination) as claimed.

DeLorme further discloses (Fig. 5) a displayed map (501) that includes a plurality

of waypoints (510, 512 and 514). These waypoints include a starting place, a

destination and the intermediate locations there between (Column 46, lines 43-48). The

displayed map (501) shows the starting place (South Place 510), the destination (North

Place 514) and the intermediate location (Place 512) there between (Column 45, lines

38-45). Therefore, DeLorme clearly teaches the computer aided routing system that

generates "a geometric shape" (the rectangular displayed map 501) based on the first

site (South Place 510) and second site (North Place 514) as claimed.

Therefore, based on the teaching of Figs. 1N and 5, it would have been obvious

to a person of ordinary skill in the art to use the method that displays a rectangular map

of DeLorme into the method for displaying a travel route of Bellesfield to provide a more

efficient computer aided routing method. This routing method also allows the user to

construct a highly selective travel route incorporating waypoints selected by the user.

Bellesfield discloses (Figs. 5 and 6) a first distance value representing the

distance between the first site and the second site (for example, the distance between

point C and the destination point A), and a second distance value representing a

function performed on the first distance value (the distance between the point C and

destination point A plus the additional destination point B; i.e. C+A+B) (Column 7, lines

54-62).

DeLorme also discloses (Fig. 5A) a geometric shape (circle) is generated base

on a first distance value representing the distance between the first site (location 534)

and the second site (any location on the circle with the radius R, 541). The user can

adjust or resize this radius R (Column 51, lines 5-7). Thus, if the user selects any point

outside the circle, then radius will become a larger distance for searching more points of

interest (POIs) (Column 51, lines 5-11). Therefore, the second distance value (the

distance between the location 534 and the location on a larger radius) represents a

function performed on the first distance value (the distance between the location 534

and the point on the non-enlarging circle).

Claims 30 and 39.

DeLorme further teaches (Fig. 5) the information includes information related to

locations of interest (points of interest, POIs, 505) that are associated with the type of

location of interest (Thing, Police, Fun, Eat and Camp) identified in the request (Column

45, line 63 to column 46, line 7). DeLorme further shows (Fig. 5) the locations of

interest (POIs 505) are located within the geometric shape map (501).

Claim Rejections - 35 USC § 103

Claims 32-33 and 35-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bouve et al (5,682,525) in view of DeLorme et al (5,802,492).

Claims 32 and 35.

Bouve discloses(Figs. 1 and 2) a method for searching and retrieving

information, comprising:

receiving a request including a site (Fig. 2, hotel 36) and a type of location of

interest ("items of interest" means services products, geographic sites, architectural

sites, stores, restaurants, etc.) (Column 1, lines 61-63);

determining a range for the site (the range is the geographic vicinity of the map

shown in Fig. 2. This geographic vicinity is within a walking distance) based on stored

information associated with the type of location of interest (Column 6, lines 39-60); and

providing trip planning information (the displayed map 30) based on the range,

the type of location interest ("items of interest") and the site (hotel 36) (Column 5, lines

1-21).

The only difference between the disclosure of Bouve and the claimed invention is

that claims 32 and 35 require "determining a range includes varying the range based on

the number of locations of interest located within a predetermined distance of the site".

However, DeLorme discloses (Fig. 5) a displayed map (501) that includes a

plurality of waypoints (510, 512 and 514). These waypoints include a starting place, a

destination and the intermediate locations there between (Column 46, lines 43-48).

DeLorme also discloses (Figs. 5A and 5B) a site location (534), a range for the site

(radius R), and a number of locations of interest (points of interest (POIs)). DeLorme

further teaches a user can adjust or resize this radius R to search for more locations

points of interest (POIs) (Column 51, lines 5-11).

Thus, DeLorme clearly teaches "varying the range (resize the radius) based on

the number of locations of interest (POIs) located within a predetermined distance of the

site (adjust or resize this radius R to search for more locations of interest (POIs)). See

column 51, lines 5-11.

Since Bouve mentions "the user can select a greater radius for display, ... as

needed" (Column 11, lines 11-14), it would have been obvious to the person of ordinary

skill in the art to use the method that allows the user to adjust or resize the radius, as

taught by DeLorme, into method for searching information of Bouve to allow the user to

search for more points of interest in his/her traveling plan. This searching method also

allows the user to construct a highly selective travel route incorporating waypoints

selected by the user.

Claims 33 and 36.

Bouve discloses (Fig. 2) the trip planning information (displayed map 30)

includes locations on interest (computer stores #1 and #2) located within the range of

the site (within a walking distance range of the displayed map 30), and wherein the

locations of interest are associated with the type of location ("items of interest") includes

in the request (Column 1, lines 61-63).

Claim 37.

Bouve discloses (Fig. 2) wherein the range (the range is the geographic vicinity

of the map shown in Fig. 2) is based on the number of locations of interest (computer

stores #1 and #2) located within a predetermined distance of the site (within a walking

distance from the hotel 36).

Response to Arguments

Applicant's arguments filed August 16, 1005 have been fully considered but they

are not persuasive.

<u>Response With Regard to Claims 29-30 and 28-39</u>

Applicant argues, at page 7, with regard to claims 29-30 and 28-39 by asserting

that neither the Bellsfield patent nor the DeLorme patent teaches or suggests the

claimed limitation "the geometric shape having been generated based on a first distance

value representing the distance between the first and second site, and a second

distance value representing a function performed on the first distance value." The

examiner respectfully disagrees.

Bellesfield shows (Fig. 6) the method that generates <u>a geometric curve shaped</u>

route between the first site (any selected departure points C or A) and the second site

(any selected destination points B or E). See column 7, lines 25-30.

Bellesfield further discloses (Figs. 5 and 6) a first distance value representing the

distance between the first site and the second site (for example, the distance between

point C and the destination point A), and a second distance value representing a

function performed on the first distance value (the distance between the point C and

destination point A plus the additional destination point B; i.e. C+A+B) (Column 7, lines

54-62).

On the other hand, DeLorme also discloses (Fig. 5A) a geometric shape (circle)

is generated base on a first distance value representing the distance between the first

site (location 534) and the second site (any location on the circle with the radius R,

541). DeLorme also teaches "user can adjust or resize this radius R" (Column 51, lines

5-7). Thus, if the user selects any point outside the circle, then radius will become a

larger distance for searching more points of interest (POIs) (Column 51, lines 5-11).

Therefore, the second distance value (the distance between the location 534 and the

location on a larger radius) represents a function performed on the first distance value

(the distance between the location 534 and the point on the non-enlarging circle).

Response With Regard to Claims 32-33 and 35-37

Applicant argues, at page 11, by asserting that neither the Bouve patent nor the

DeLorme patent teaches or suggests "based on the stored information associated with

the type of location of interest". The examiner respectfully disagrees.

Bouve clearly teaches the stored information (database) associated with the type

of location of interest (items of interest) (Column 1, line 60 to column 2, line 4).

In response to applicant's argument, at page 11, that the Bouve does not show

certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., the scope of the vicinity is based upon a type of location of interest)

are not recited in the rejected claim(s). Although the claims are interpreted in light of

the specification, limitations from the specification are not read into the claims. See In

re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Bouve discloses(Figs. 1 and 2) a method for searching and retrieving

information, comprising:

receiving a request including a site (Fig. 2, hotel 36) and a type of location of interest ("items of interest" means services products, geographic sites, architectural sites, stores, restaurants, etc.) (Column 1, lines 61-63);

determining a range for the site (the range is the geographic vicinity of the map shown in Fig. 2. This geographic vicinity is within a walking distance) based on stored information associated with the type of location of interest (Column 6, lines 39-60); and

providing trip planning information (the displayed map 30) based on the range, the type of location interest ("items of interest") and the site (hotel 36) (Column 5, lines 1-21).

The only difference between the disclosure of Bouve and the claimed invention is that claims 32 and 35 require "determining a range includes varying the range based on the number of locations of interest located within a predetermined distance of the site".

However, DeLorme discloses (Fig. 5) a displayed map (501) that includes a plurality of waypoints (510, 512 and 514). These waypoints include a starting place, a destination and the intermediate locations there between (Column 46, lines 43-48). DeLorme also discloses (Figs. 5A and 5B) a site location (534), a range for the site (radius R), and a number of locations of interest (points of interest (POIs)). DeLorme further teaches a user can adjust or resize this radius R to search for more locations points of interest (POIs) (Column 51, lines 5-11).

Thus, DeLorme clearly teaches "varying the range (resize the radius) based on the number of locations of interest (POIs) located within a predetermined distance of the site (adjust or resize this radius R to search for more locations of interest (POIs)). See column 51, lines 5-11.

Since Bouve mentions "the user can select a greater radius for display, ...as needed" (Column 11, lines 11-14), it would have been obvious to the person of ordinary skill in the art to use the method that allows the user to adjust or resize the radius, as taught by DeLorme, into method for searching information of Bouve to allow the user to search for more points of interest in his/her traveling plan. This searching method also allows the user to construct a highly selective travel route incorporating waypoints selected by the user.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

MATTHEW LUU
PRIMARY EXAMINER